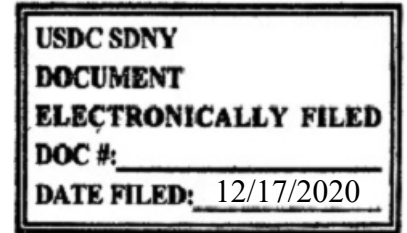




81 MAIN STREET WHITE PLAINS, NY 10601-1711
TEL: 914-559-3100 FAX: 914-949-1160
WWW.HPMB.COM



Laura A. Del Vecchio
Partner
ldelvecchio@hpmb.com

December 14, 2020

By ECF

Honorable Barbara C. Moses
United States Magistrate Judge
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 740
New York, New York 10007

Application GRANTED. Dkt. No. 151-1 shall remain under seal. SO ORDERED.

Barbara Moses, U.S.M.J.
December 17, 2020

Re: Fung-Schwartz v. Cerner, 17 Civ. 233 (VSB)(BCM)

Dear Magistrate Judge Moses:

MEMO ENDORSED

We represent Defendants in the *Fung-Schwartz* lawsuit. Pursuant to Your Honors' directives in the order of November 16, 2020, we intend to file a motion seeking relief under Rule 37(c). In consideration of Your Honor's Individual Rule of Practice No. 3, and Section 6 of the SDNY ECF Rules and Instructions, I write to request leave to file an exhibit to that motion under seal.

In support of the motion to strike portions of plaintiffs' supplemental expert report, Defendants intend to rely on a one page Historical Income Report that is an exhibit to a defense expert's report. This report includes sensitive financial information from the plaintiffs' tax forms that were previously disclosed by plaintiff and marked Confidential-For Attorneys Eyes Only. We have conferred with plaintiff regarding the submission of this document as an exhibit and have agreed to file a version of this report with all numbers redacted and submit the full, unredacted report under seal. We now respectfully request that Your Honor grant us permission to proceed in this manner.

Thank you for considering this request.

Respectfully submitted,

Laura A. Del Vecchio

cc: Counsel of Record (via ECF)